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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Australia, Austria, Belgium, Benin, Botswana, Cambodia, Cameroon, Canada, Chile, Costa Rica, Denmark, Finland, France, Gabon, Germany, Greece, Guinea, Hungary, Iceland, Ireland, Israel, Italy, Liechtenstein, Luxembourg, Malta, Netherlands, New Zealand, Norway, Panama, Republic of Korea, Rwanda, Slovenia, Spain, Sweden, Togo, Tunisia and United States of America: draft resolution

Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and other applicable human rights and humanitarian law instruments,

Recalling Commission on Human Rights resolution S-3/1 of 25 May 1994, 1/ by which the Commission established a Special Rapporteur to investigate the human rights situation in Rwanda,

Recalling the establishment of the Commission of Experts pursuant to Security Council resolution 935 (1994) of 1 July 1994 to report on grave violations of international humanitarian law in Rwanda,

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1/ E/1994/24/Add.2-E/CN.4/1994/132/Add.2, chap. II.

Deeply concerned by the reports of the Special Rapporteur and the Commission of Experts that genocide and systematic, widespread and flagrant violations of international humanitarian law and crimes against humanity have been committed in Rwanda, resulting in massive loss of life,

Also deeply concerned by the reports of the Special Rapporteur and the Commission of Experts that the situation of ethnic and political armed conflict in Rwanda resulted in other grave violations and abuses of human rights, including violation of the right to life, the right to physical and moral integrity, the right to be free from torture and other cruel, inhuman and degrading treatment and the right to be free from discrimination on the grounds of ethnic origin and to be protected from incitement to such discrimination,

Reaffirming the deep concern expressed by the World Conference on Human Rights about violations of human rights during armed conflicts affecting the civilian population, especially women, children, the elderly and the disabled, 2/

Noting that, following the cease-fire of 18 July 1994, a new Rwandese Government has been established and has made efforts to restore the rule of law and reconstruct the civil administration and the social, legal, physical, economic and human rights infrastructure of Rwanda after the extensive damage inflicted by the civil conflict,

Noting with concern that, in spite of efforts by the Rwandese Government to ensure peace and security and the rule of law, a situation of insecurity still exists, evidenced by reports of disappearances, arbitrary arrest and detention, summary executions and destruction of property, and welcoming the commitments of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms and to eliminate impunity by investigating and prosecuting those responsible for acts of retribution,

Concerned about the danger posed by continuing incidences of violence and intolerance in Rwanda, which impede the full realization of civil, political, economic, social and cultural rights,

Also concerned about the fact that these occurrences create a climate of insecurity, which prevents refugees and displaced persons from returning to their homes, conscious that the return to their homes is essential for the normalization of the situation in Rwanda and countries of the region, and concerned, in addition, about reports of continuing acts of intimidation and violence within the camps for refugees, particularly by the former Rwandese authorities, which prevent refugees from returning home,

Conscious that technical assistance and advisory services will assist the Government of Rwanda in reconstructing the social, legal, physical, economic and human rights infrastructure of Rwanda,

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2/ See Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III, sect. I, para. 29.

Further concerned by the ongoing interference, particularly by the former Rwandese authorities, in the provision of humanitarian relief, which has already led to the withdrawal of some non-governmental agencies responsible for the distribution of relief supplies within the camps outside Rwanda,

Noting with appreciation the efforts of the Secretary-General, his Special Representative for Rwanda, the United Nations High Commissioner for Refugees, the Department of Humanitarian Affairs of the Secretariat, and non-governmental organizations, as well as of the Commission on Human Rights, and its special rapporteurs,

Commending the initiatives taken by the United Nations High Commissioner for Human Rights, including his timely visits to Rwanda, and welcoming his efforts to ensure that the Special Rapporteur is assisted by a team of human rights field officers acting in close cooperation with the United Nations Assistance Mission for Rwanda and other United Nations agencies and programmes operating in Rwanda, and his efforts to facilitate coordination and cooperation between the work of the Commission of Experts and the Special Rapporteur,

Conscious of the important role human rights field officers will have in establishing an environment conducive to full respect for human rights and fundamental freedoms and in preventing further violations, and mindful of the need for the speedy deployment of a sufficient number of such officers to fulfil this role, endorses the Secretary-General's encouragement to Member States to provide contributions to expand human rights activities in the field,

Stressing the need for the implementation by all parties in Rwanda of the principles contained in the Peace Agreement signed at Arusha, 3/ which constitutes the framework for peace, national reconciliation and unity in Rwanda, and noting with appreciation the efforts of the Chairman and Secretary General of the Organization of African Unity, the President of the United Republic of Tanzania, Mr. Ali Hassan Mwinyi, in his capacity as the Facilitator of the Arusha peace process,

Recalling Security Council resolution 965 (1994) of 30 November 1994, in which the Council expanded the mandate of the United Nations Assistance Mission for Rwanda to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, to provide security and support for the distribution of relief supplies and humanitarian relief operations, to contribute to the security in Rwanda of personnel of the International Tribunal for Rwanda and human rights officers, and to assist in the training of a new integrated police force, and recalling also the Secretary-General's revised deployment schedule for the Assistance Mission, which is intended to promote security in all areas of the country and create conditions conducive to the return of refugees,

Conscious of the fact that the magnitude of the tragedy in Rwanda requires the kind of coordination and resources which can be effectively sustained by the United Nations, and supporting the Secretary-General's encouragement, under the

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3/ See A/48/824-S/26915.

Rwanda Emergency Normalization Plan, to States Members of the United Nations, United Nations agencies and non-governmental organizations to provide immediate and coordinated technical and financial assistance to Rwanda,

Recognizing that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall United Nations response to the situation in Rwanda,

Recognizing also that a strong human rights component is indispensable to the political peace process and the post-conflict reconstruction of Rwanda,

Considering that the international community and the Government of Rwanda must follow closely and continue to support all efforts to consolidate peace, ensure full respect for human rights and fundamental freedoms and undertake the reconstruction of Rwanda,

1. Welcomes the reports of the Special Rapporteur on the situation of human rights in Rwanda; 4/

2. Condemns in the strongest terms all acts of genocide, violations of international humanitarian law and all violations and abuses of human rights which occurred during the conflict in Rwanda, especially following the tragic events of 6 April 1994;

3. Also condemns in the strongest terms the kidnapping and killing of military peace-keeping personnel attached to the United Nations Assistance Mission for Rwanda, the killing of personnel attached to humanitarian organizations operating in the country, the wanton killing of innocent civilians and the destruction of property during the conflict, which constitute a blatant violation of international humanitarian law;

4. Reaffirms that all persons who commit or authorize genocide or other grave violations of human rights or international humanitarian law are individually responsible and accountable for those violations and that the international community will exert every effort to bring those responsible to justice in accordance with international principles of due process;

5. Welcomes the establishment of the International Tribunal for Rwanda to prosecute persons responsible for genocide and other serious violations of international humanitarian law pursuant to Security Council resolution 955 (1994) of 8 November 1994, and urges States to cooperate fully with the tribunal;

6. Requests States which have given refuge to persons involved in serious breaches of international humanitarian law, crimes against humanity or acts of genocide to take the necessary steps, in cooperation with the International Tribunal for Rwanda, to ensure that they do not escape justice;

4/ E/CN.4/1995/7 and E/CN.4/1995/12.

7. Notes with deep concern the findings of the Special Rapporteur that disappearances, arbitrary arrest and detention, summary executions and destruction of property are still taking place in Rwanda, encourages the Government of Rwanda to ensure investigation and prosecution of those responsible for such acts in accordance with international principles of due process, and welcomes the commitments of the Government of Rwanda in this regard;

8. Encourages the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms, stresses the need to create an environment conducive to the realization of civil, political, economic, social and cultural rights, and to the return by refugees and displaced persons to their homes, and welcomes in this regard the commitments made by the Government of Rwanda;

9. Encourages the efforts of the Government of Rwanda to involve, regardless of ethnicity, all citizens not responsible for acts of genocide or other grave violations of international humanitarian law, within its administrative, judicial, political and security structures;

10. Invites Member States, the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to contribute financial and technical support to the efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, physical, economic and human rights infrastructure of Rwanda;

11. Welcomes the efforts of the Government of Rwanda to restore the rule of law and to reconstruct the Rwandese justice system, and invites Member States, the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to provide technical and financial assistance for the administration of justice, particularly to ensure the independence and impartiality of the judiciary, and welcomes in this regard the efforts of the Centre for Human Rights of the Secretariat to assist the Ministry of Justice of Rwanda;

12. Also invites Member States, the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to provide technical and financial assistance to the system of law enforcement in Rwanda, including police training, and welcomes in this regard the assistance being provided by the United Nations Assistance Mission for Rwanda to the Government of Rwanda's efforts to establish a new integrated police force;

13. Condemns those preventing, in some instances by force, the voluntary repatriation of refugees, and those obstructing the access of humanitarian relief to all in need, including those with the camps for refugees, and calls on the appropriate authorities to ensure security within such camps;

14. Urges the responsible authorities in Rwanda and within the region to ensure full respect for human rights and fundamental freedoms within camps for refugees and displaced persons;

15. Welcomes the commitment of the Governments of Zaire, the United Republic of Tanzania and Burundi to help resolve the problems facing the refugees, and calls upon them to do all in their power to ensure the safety both of the refugees and of the personnel providing humanitarian assistance to the refugees;

16. Urges Governments within the region to take measures to prevent their territory from being used to pursue a strategy of destabilization within Rwanda;

17. Urges the Rwandese authorities and the Rwandese people to work for national reconciliation and unity in Rwanda, for peace in the country and within the whole region, and to work together to implement the principles contained in the Peace Agreement signed at Arusha, 3/ which constitutes the framework for peace, national reconciliation and unity in Rwanda;

18. Welcomes the efforts of the United Nations High Commissioner for Human Rights to ensure that efforts of the United Nations aimed at conflict resolution and peace-building in Rwanda are accompanied by a strong human rights component and effectively supported by a comprehensive programme of human rights assistance, drawing as appropriate on the expertise and capacities of all parts of the United Nations system able to contribute to the promotion and protection of human rights in Rwanda;

19. Welcomes the cooperation the Government of Rwanda has extended to the High Commissioner for Human Rights and to the Special Rapporteur, and the acceptance by the Government of Rwanda of the deployment of human rights field officers, bearing in mind the important role of those officers, acting in close cooperation with the United Nations Assistance Mission for Rwanda and other United Nations agencies and programmes operating in Rwanda, in establishing a climate of confidence, establishing a secure environment conducive to full respect for human rights and fundamental freedoms and in preventing further violations;

20. Invites Member States to intensify further their efforts to support human rights activities in the field in Rwanda;

21. Requests the Secretary-General to take appropriate steps to ensure adequate financial and human resources and logistical support for the speedy deployment of a sufficient number of human rights field officers and for the delivery of programmes of technical assistance and advisory services;

22. Also requests the Secretary-General to provide all resources necessary to enable the Special Rapporteur to fulfil his mandate;

23. Decides to continue its consideration of this question at its fiftieth session.